

Notice of Allowability	Application No.	Applicant(s)	
	10/642,903	ATKINSON ET AL.	
	Examiner	Art Unit	
	Sandra K. Poulos	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/17/06.
2. ☒ The allowed claim(s) is/are 13 and 16-35.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/623,785.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>06/12/06</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Please replace the title with the following: "Gasket coating containing chemically exfoliated vermiculite"
3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Stearns on June 20, 2006.
4. The application has been amended as follows:

Specification, page 4, last line of first paragraph, replace "serve s a binder" with "serve as a binder".

Claim 35, line 3: replace "at lest" with "at least". Last line, replace "flaky filter" with "flaky filler".

Statement of Reasons for Allowance

5. The present claims are allowable over the closest prior art Padget (US 4,425,465), Hansen (US 4,379,857), JP 05-180344, and Terai (US 5,322,299) for the following reasons:

The present claims are drawn to a gasket having a coating containing chemically exfoliated vermiculite (CEV), high temperature organic binder, supplementary inorganic binder, and flaky filler and a method of making.

Padget discloses corrostion/fire resistant aqueous coating composition comprising of chemically delaminated vermiculite lamellae in an aqueous solution or dispersion of a film-forming polymeric binder. Preferably all vermiculite particles over 20 microns in size are eliminated and they have an aspect ratio of at least 10 and up to 10,000. The composition may contain other layered minerals, such as

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montmorillonite, as flaky fillers. Organic polymers such as fluororesins are used. The coating composition is used for coating combustible materials such as wood and flexible and rigid polyurethane and polyisocyanurate foams. Padget does not teach or suggest using the coating composition for a gasket.

Hansen discloses an insulation composition for storage tank, boilers, etc. that contains alkali silicates, vermiculite, organic polymers, and mica in the form of flakes. There is no teaching or suggestion of using the composition as a coating for a gasket.

JP'344 discloses a surface layer on a gasket that comprises non-silicon based rubbers, silicone modified polymers, and fillers (abstract). Among a list typical fillers there is mentioned vermiculite, however there is no suggestion to use chemically exfoliated vermiculite or to require a thickness of less than or equal to 30 microns. Further, there is no motivation to combine JP'344, a gasket coating composition, with Padget, which is drawn to a corrosion/fire resistant aqueous coating composition for combustible materials.

Teraï discloses that silicone resins are useful as sealing coatings on metal gaskets but does not disclose any other of the claimed components and provides no motivation to combine with CEV.

Thus, it is clear that Padget, Hansen, JP 05-180344, and Teraï do not disclose or suggest the claimed invention.

In light of the above, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra K. Poulos whose telephone number is (571) 272-6428. The examiner can normally be reached on M-F 7:30-4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKP

Sandra K. Poulos

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